decision ought not to be overthrown except in a very clear case, and (2) that the question before the court in each instance is the question of legislative power and not of legislative policy. *Beach* v. *Bradstreet* (1912), 85 Conn. 344. In too many recent instances courts seem to have been largely influenced to decide against allowing a new city or state enterprise by the fact that in their personal opinion it would have been bad policy for the city or state to undertake it. Courts will do well to remember also that the present century is more socialistic in its tendencies than the last, and that consequently cities and states will be expected to undertake more activities than they have in the past. The term "public purpose," either as an expressed term of the constitution or as an implied limit on the power of taxation, is a broad term, and like other constitutional terms of the same nature its interpretation ought to change with the spirit of the age. G. S.

REMOVAL TO FEDERAL COURTS OF CASES AGAINST INTERSTATE CARRIERS FOR DAMAGE TO SHIPMENTS.—A novel, and, at first sight, a startling decision was handed down by the District Court of the United States for the District of North Dakota, in the case of *McGoon* v. *Northern Pacific Railway Company,* 204 Fed. 998.

That was a suit begun in a state court by a shipper against a railroad company to recover damages for injury to property while being transported from one state to another, the *ad damnum* clause as laid in the complaint being less than $3,000.00. Upon motion to remand the cause, upon its removal to the federal district court, the opinion in the above case was written.

This would seem to be a case of first impression upon the precise question, and it is strange indeed that this question had not before been passed upon. The court held that, although the allegations of the defendant's liability were not based, in words, upon § 20 of the Interstate Commerce Act, as amended by the Act of June 29, 1906, nevertheless the plaintiff's action was, in point of fact, based upon that section, for, said the Court: "That section abrogates all state and common law liabilities on interstate shipments." For this statement the Court relies upon the decision of the Supreme Court in the case of *Adams Express Company* v. *Croninger,* 226 U. S. 491. The language used by the District Court is, however, much stronger than that used in the *Croninger* case, but, upon a careful reading of the *Croninger* case, it is believed that its effect is as indicated in the *McGoon* case, and also to the same effect may be quoted the language of Judge Lurton as used in the case of *Kansas City Southern Railway Company* v. *Carl,* 227 U. S. 639, especially on pages 648 and 649.

The sole question it would seem to determine is—does the statute referred to abolish, in truth, all common law liabilities on interstate shipments, as well as all state statutes and regulations upon the subject,—and it is believed that such must be the effect of the Act, for, if there can be any divided authority over interstate commerce, and Congress has acted as it has by passing the Interstate Commerce Act, the jurisdiction thereupon has become vested exclusively in the federal courts, for, if the different state courts retain their

different rulings on the different state regulations and the different state courts' interpretation of the common law, we will have a divided authority which may only be defeated by the federal courts having the exclusive jurisdiction. *Kansas City Southern Railway Company* v. *Carl,* supra. As to the question when a suit may be said to "arise under" a law of the United States, besides those cases cited in the principal case, see *Ogden* v. *Bank,* 9 Wheat. 822; *Pacific Railroad Removal Cases,* 115 U. S. 2; *Mitchell* v. *Smale,* 140 U. S. 406.

The practical effect of the principal case is to allow a removal to federal courts of *all cases* against common carriers upon a cause of action for injury to property while in interstate commerce, and indeed if the doctrine of the principal case is not correct, or not accepted, the alternative must be that final decisions upon questions of federal law must be left to the courts of the several states, and this multitude of courts of final jurisdiction of the same causes arising upon the same laws, would, in the language of the Federalist, be a hydra in government, from which nothing but contradiction and confusion could proceed. *Federalist,* No. 80. W. W. M.

NATURE OF THE RIGHT TO A PUBLIC OFFICE AND THE USE OF INJUNCTION TO TRY THAT RIGHT.—The length to which some courts will go in attempting to abolish all distinctions between the different forms of action, in accordance with what is considered to be the spirit of the modern Codes of Civil Procedure, is well illustrated by a case recently decided by the Supreme Court of Wisconsin. A statute in Wisconsin provides that certain officers who are appointed by the Governor, by and with the consent of the Senate "May, for official misconduct, or habitual or wilful neglect of duty, be removed by the Governor upon satisfactory proofs, at any time during the recess of the legislature, and the vacancy filled by him until such vacancy shall be regularly supplied." § 970, WIS. STATUTES. In *Ekern* v. *McGovern,* (Wis. 1913), 142 N. W. 595, the complainant was the regularly appointed incumbent of the office of Insurance Commissioner, which said office was appointive within the provisions of the above mentioned statute. His term still had about three years to run when a factional struggle arose with reference to the office of speaker of the state assembly. Complainant, having openly indicated his preference for a candidate who was opposed by the Governor, was removed by the latter on the ground that he had served on a campaign committee contrary to the statute creating the office which he occupied. Apparently in order to get complainant out of the way before his power of removal should be lost by the coming together of the assembly which was to convene the next day, the Governor removed him summarily, giving him practically no opportunity to defend himself against the charges presented. Complainant, maintaining that he had been unlawfully ousted, refused to give up the office to his duly appointed successor whereupon the Governor and his friends threatened to seize the office by force. Complainant then applied for an injunction to prevent his forcible dispossession. A temporary injunction was granted and on appeal it was held by a divided